

AN ACT

ENTITLED, An Act to maintain the state's share of funding to special education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-37-35 be amended to read as follows:

13-37-35. Terms used in §§ 13-37-35 to 13-37-47, inclusive, mean:

- (1) "Average daily membership," the average number of kindergarten through twelfth grade pupils enrolled in all schools operated by the school district during the previous regular school year minus the average number of pupils for whom the district receives tuition and plus the average number of pupils for whom the district pays tuition;
- (2) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less;
- (3) "Local effort," is the amount of taxes payable each year, using the maximum levy for the special education fund of a school district pursuant to § 13-37-16;
- (4) "Allocation for a student with a mild disability," for the period January 1, 1997, through June 30, 1997, is \$807. For school fiscal year beginning July 1, 1997, the allocation for a student with a mild disability shall be \$1,614 increased by the lesser of the index factor or three percent. For each school year thereafter, the allocation for a student with a mild disability shall be the previous fiscal year's allocation for such child increased by the lesser of the index factor or three percent;
- (5) "Allocation for a student with a severe disability," for the period January 1, 1997, through June 30, 1997, is \$9,682. For school fiscal year beginning July 1, 1997, the allocation for a child with a severe disability shall be \$19,364 increased by the lesser of the index factor or three percent. For each school year thereafter, the allocation for a child with a severe

disability shall be the previous fiscal year's allocation for such child increased by the lesser of the index factor or three percent;

(6) "Local need," an amount to be determined as follows:

(a) For a school district with an average daily membership of less than 13,000:

- (i) Multiply the average daily membership times 0.1025;
- (ii) Multiply the result of (i) times the allocation for a student with a mild disability;
- (iii) Multiply the average daily membership times 0.015;
- (iv) Multiply the result of (iii) times the allocation for a student with a severe disability;
- (v) Add together the result of (ii) and the result of (iv);

(b) For a school district with an average daily membership greater than 13,000:

- (i) Multiply the average daily membership times 0.1025;
- (ii) Multiply the result of (i) times the allocation for a student with a mild disability;
- (iii) Subtract 13,000 from the average daily membership, the difference of which is multiplied times 0.0000034, the result of which is added to 0.015;
- (iv) Multiply the average daily membership times the lesser of the result of (iii) or 0.03;
- (v) Multiply the result of (iv) times the allocation for a student with a severe disability;
- (vi) Add together the result of (ii) and the result of (v);

(7) "Student with mild disability," is a student whose performance level is not sufficient to demonstrate success in the regular education environment without the provision of special education, who meets eligibility criteria under Part B, IDEA, and who has been identified

as a student in need of special education or special education and related services according to criteria set forth in rules promulgated pursuant to § 13-37-46;

- (8) "Student with severe disability," is a student with a low-incidence disability who:
- (a) Meets eligibility criteria under Part B, IDEA;
 - (b) Has been identified as a student in need of special education or special education and related services according to criteria set forth in rules promulgated pursuant to § 13-37-46; and
 - (c) Presents needs which require intervention skills which are substantially different from those provided to nondisabled students, in that the skills are disability-specific and require special training, equipment, and facilities to perform;
- (9) "Effort factor," the school district's special education tax levy in dollars per thousand divided by the maximum levy established pursuant to § 13-37-16.

Section 2. That subdivision (3) of section 1 of chapter 108 of the 1996 Session Laws be amended to read as follows:

- (3) "Local effort," is the amount of taxes payable each year, using the maximum levy for the special education fund of a school district pursuant to § 13-37-16;

Section 3. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as follows:

If local effort increases on a statewide aggregate basis by a greater percentage than local need on a statewide aggregate basis from any one year to the next, for the following year, the levy specified in § 13-37-16 shall be reduced proportionally so that the percentage increase in local effort on a statewide aggregate basis equals the percentage increase in need on a statewide aggregate basis.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1134

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1134

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State